

HOUSE BILL 612

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2001 Regular Session
11r1033
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By: **Delegates Doory and Getty (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 7, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sabotage and Related Crimes - Revision**

3 FOR the purpose of revising and restating the laws relating to sabotage and
4 hindering, delaying, or interfering with certain defense-related activities and
5 related crimes under certain circumstances; repealing certain provisions of law
6 relating to attempt and conspiracy to commit certain sabotage related offenses;
7 prohibiting certain activities relating to hindering, delaying, or interfering with
8 a defense-related activity; prohibiting the possession of certain identification
9 material under certain circumstances; prohibiting the unauthorized use of
10 certain identification materials under certain circumstances; clarifying the
11 rights of certain employees to engage in certain self-organization or labor
12 related activities under certain circumstances; expanding prohibitions against
13 certain trespass activities to include public property; authorizing certain
14 employees to detain certain trespassers under certain circumstances;
15 authorizing law enforcement officers to conduct warrantless arrests on certain
16 property under certain circumstances; authorizing certain persons to petition for
17 the closure or restricted public use of certain highways under certain
18 circumstances; requiring certain notice and hearing procedures for restrictions
19 on highway use under certain circumstances; establishing certain penalties;
20 providing that certain Committee Notes are not law; defining certain terms; and
21 generally relating to sabotage and related crimes.

22 BY repealing

23 Article 27 - Crimes and Punishments
24 Section 535 through 550 and the subheading "Sabotage Prevention"
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 2000 Supplement)

27 BY adding to

28 Article 27 - Crimes and Punishments
29 Section 535 through 541, to be under the new subheading "Sabotage and
30 Related Crimes"
31 Annotated Code of Maryland

1 (1996 Replacement Volume and 2000 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article 27 - Crimes and Punishments

4 Section 577

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 2000 Supplement)

7 BY adding to

8 Article - Criminal Procedure

9 Section 2-210

10 Annotated Code of Maryland

11 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2001)

12 BY repealing and reenacting, without amendments,

13 Article - Transportation

14 Section 8-101

15 Annotated Code of Maryland

16 (1993 Replacement Volume and 2000 Supplement)

17 BY adding to

18 Article - Transportation

19 Section 8-627

20 Annotated Code of Maryland

21 (1993 Replacement Volume and 2000 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 27 - Crimes and Punishments**

25 [Sabotage Prevention]

26 [535.

27 As used in this subtitle:

28 "Highway" includes any private or public street, way or other place used for
29 travel to or from property.

30 "Highway commissioners" means any individual, board or other body having
31 authority under then existing law to discontinue the use of the highway which it is
32 desired to restrict or close to public use and travel.

1 "Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer,
2 telephone, telegraph, radio, railway, railroad, airplane, transportation,
3 communication or other system, by whomsoever owned or operated for public use.]

4 [536.

5 Whoever intentionally destroys, impairs, injures, interferes or tampers with real
6 or personal property with reasonable grounds to believe that such act will hinder,
7 delay or interfere with the preparation of the United States or of any of the states for
8 defense or for war, or with the prosecution of war by the United States, or by any
9 country with which the United States shall then maintain friendly relations, shall be
10 guilty of a felony and upon conviction, be punished by imprisonment in the
11 penitentiary for not more than ten (10) years, or by a fine of not more than ten
12 thousand dollars (\$10,000.00) or both; provided, if such person so acts with the intent
13 to hinder, delay or interfere with the preparation of the United States or of any of the
14 states for defense or for war, or with the prosecution of war by the United States, or by
15 any country with which the United States shall then maintain friendly relations, the
16 minimum punishment shall, upon conviction, be imprisonment in the penitentiary for
17 not less than one (1) year and the maximum punishment shall be as above provided.]
18 [537.

19 Whoever intentionally makes or causes to be made or omits to note on inspection
20 any defect in any article or thing with reasonable grounds to believe that such article
21 or thing is intended to be used in connection with the preparation of the United States
22 or any of the states for the defense or for war, or for the prosecution of war by the
23 United States, or by any country with which the United States shall then maintain
24 friendly relations, or that such article or thing is one of the number of similar articles
25 or things, some of which are intended so to be used, shall be guilty of a felony and
26 upon conviction, be punished by imprisonment in the penitentiary for not more than
27 ten (10) years, or a fine of not more than ten thousand dollars (\$10,000.00), or both;
28 provided, if such person so acts or so fails to act with the intent to hinder, delay or
29 interfere with the preparation of the United States or of any of the states for defense
30 or for war, or with the prosecution of war, by the United States, or by any country
31 with which the United States shall then maintain friendly relations, the minimum
32 punishment, upon conviction, shall be imprisonment in the penitentiary for not less
33 than one (1) year and the maximum punishment shall be as above provided.]

34 [538.

35 Whoever attempts to commit any of the crimes defined by this subtitle shall be
36 guilty of a felony and, upon conviction, be liable to one half the punishment prescribed
37 for the completed crime. In addition to the acts which constitute an attempt to commit
38 a crime under the laws of this State, the solicitation or incitement of another to
39 commit any of the crimes defined by this subtitle not followed by the commission of
40 the crime, the collection or assemblage of any materials with the intent that the same
41 are to be used then or at a later time in the commission of such crime, or the entry,
42 with or without permission, of a building, enclosure or other premises of another with

1 the intent to commit any such crime therein or thereon shall constitute an attempt to
2 commit such crime.]

3 [539.

4 If two or more persons conspire to commit any crime defined by this subtitle,
5 each of such persons is guilty of conspiracy and shall be deemed a felon subject to the
6 same punishment as if he had committed the crime which he conspired to commit,
7 whether or not any act be done in furtherance of the conspiracy. It shall not constitute
8 any defense or ground of suspension of judgment, sentence or punishment on behalf of
9 any person prosecuted under this section, that any of his fellow conspirators has been
10 acquitted, has not been arrested or convicted, is not amenable to justice or has been
11 pardoned or otherwise discharged before or after conviction.]

12 [541.

13 Any individual, partnership, association, corporation, municipal corporation or
14 state or any political subdivision thereof engaged in, or preparing to engage in, the
15 manufacture, transportation or storage of any product to be used in the preparation of
16 the United States or of any of the states for defense or for war or in the prosecution of
17 war by the United States, or by any country with which the United States shall then
18 maintain friendly relations, or the manufacture, transportation, distribution or
19 storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons
20 operating any public utility, whose property, except where it fronts on water or where
21 there are entrances for railway cars, vehicles, persons or things, is surrounded by a
22 fence or wall, or a fence or wall and buildings, may post around his or its property at
23 each gate, entrance, dock or railway entrance and every one hundred (100) feet of
24 waterfront a sign reading "No Entry Without Permission". Whoever without
25 permission of such owner shall wilfully enter upon premises so posted shall, upon
26 conviction, be deemed guilty of a misdemeanor, and be punished by imprisonment for
27 not more than ten (10) days, or a fine of not more than fifty dollars (\$50.00), or both.]
28 [542.

29 Any peace officer or any person employed as watchman, guard, or in a
30 supervisory capacity on premises posted as provided in § 541 may stop any person
31 found on any premises to which entry without permission is forbidden by § 541 and
32 may detain him for the purpose of demanding, and may demand, of him his name,
33 address and business in such place. If said peace officer or employee has reason to
34 believe from the answers of the persons so interrogated that such person has no right
35 to be in such place, said peace officer shall forthwith release such person or he may
36 arrest such person without a warrant on the charge of violating the provisions of §
37 541; and said employee shall forthwith release such person or turn him over to a
38 peace officer, who may arrest him without a warrant on the charge of violating the
39 provisions of § 541.]

40 [543.

41 Any individual, partnership, association, corporation, municipal corporation or
42 state or any political subdivision thereof engaged in or preparing to engage in the

1 manufacture, transportation or storage of any product to be used in the preparation of
2 the United States or any of the states for defense or for war or in the prosecution of
3 war by the United States, or by any country with which the United States shall then
4 maintain friendly relations, or in the manufacture, transportation, distribution or
5 storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons
6 operating any public utility, who has property so used which he or it believes will be
7 endangered if public use and travel is not restricted or prohibited on one or more
8 highways or parts thereof upon which such property abuts, may petition the highway
9 commissioners of the state or of any city, town or county to close one or more of said
10 highways or parts thereof to public use and travel or to restrict by order the use and
11 travel upon one or more of said highways or parts thereof.

12 Upon receipt of such petition, the highway commissioners shall set a day for
13 hearing and give notice thereof by publication in a newspaper having general
14 circulation in the city, town or county in which such property is located, such notice to
15 be at least seven (7) days prior to the date set for hearing. If after hearing the
16 highway commissioners determine that the public safety and the safety of the
17 property of the petitioner so require, they shall by suitable order close to public use
18 and travel or reasonably restrict the use of and travel upon one or more of said
19 highways or parts thereof; provided, the highway commissioners may issue written
20 permits to travel over the highways so closed or restricted to responsible and
21 reputable persons for such term, under such conditions and in such form as said
22 commissioners may prescribe. Appropriate notices in letters at least three (3) inches
23 high shall be posted conspicuously at each end of any highway so closed or restricted
24 by such order. The highway commissioners may at any time revoke or modify any
25 order so made.]

26 [544.

27 Whoever violates any order made under § 543 shall, upon conviction, be deemed
28 guilty of a misdemeanor, and be punished by imprisonment for not more than ten (10)
29 days, or a fine of not more than fifty dollars (\$50.00), or both.]

30 [545.

31 Nothing in this subtitle shall be construed to impair, curtail or destroy the rights
32 of employees and their representatives to self-organization, to form, join, or assist
33 labor organizations, to bargain collectively through representatives of their own
34 choosing, to strike, to picket, and to engage in concerted activities, for the purpose of
35 collective bargaining or other mutual aid or protection.]

36 [546.

37 If any provision of this subtitle or the application thereof to any person or
38 circumstances is held invalid, such invalidity shall not affect other provisions or
39 applications of this subtitle which can be given effect without the invalid provision or
40 application, and to this end the provisions of this subtitle are declared to be
41 severable.]

1 [547.

2 This subtitle may be cited as the Sabotage Prevention Act.]

3 [548.

4 If conduct prohibited by this subtitle is also made unlawful by another or other
5 laws, the offender may be convicted for the violation of this subtitle or of such other
6 law or laws.]

7 [549.

8 This subtitle and all lawful orders made under it shall continue in force and
9 effect until repealed by act of the General Assembly.]

10 [550.

11 (1) "Identification card" is defined for the purposes of this section as any card
12 or pass issued for the purpose of establishing the identity of any person and the right
13 of such person to be in or on any premises described in this section.

14 "Identification badge" is defined as any badge of metal or other composition, to
15 be worn by any person for the purpose of establishing his identity or right to be in or
16 on any premises described in this section.

17 (2) Any person having in his or her possession an identification card or
18 identification badge issued by any department of the State or of any political
19 subdivision thereof, or any municipal corporation, or by any corporation, firm or
20 individual operating any factory, warehouse, storage house, manufacturing, printing
21 or publishing establishment, mechanical or mercantile establishment, or any plant of
22 any kind, or any mine, colliery or quarry, or any electric railway, steam railway, water,
23 sewage, gas, electric light, power, transmission, heating, refrigerating, telephone or
24 other publicly owned or public service property in this State, in which or upon which
25 any person is required to have a special identification card or identification badge
26 issued by the owners and operators thereof before entering therein or thereon as an
27 employee or visitor, upon the termination of his or her employment or the time limits
28 of an authorized visit, shall surrender the same to the issuer thereof, and it shall be
29 unlawful for any such person to have such identification card or identification badge
30 in his or her possession after the termination of such employment or the expiration of
31 the time limits of an authorized visit.

32 (3) Any person finding or in any other way coming into the possession of an
33 identification card or identification badge, as defined in this section, shall
34 immediately surrender the same to the nearest State, county or city police station.

35 (4) No person shall wrongfully use any such identification badge or
36 identification card or aid or assist another in wrongfully using the same to enter any
37 place or establishment in which or upon which any person is required to have a
38 special identification card or identification badge.

1 (5) Any person who wilfully violates any of the provisions of this section shall,
2 upon conviction thereof, be deemed guilty of a misdemeanor and be punished by
3 imprisonment of not more than ten days or a fine of not more than \$50, or both.]

4 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The Committee
5 questions the need for the existing sabotage offenses contained in Article 27, §§ 535
6 through 550, given various restrictions under federal law on sabotage or the
7 prevention of hindering, delaying, or interfering with defense related activities.

8 The Committee recommends that Article 27, § 538 and § 539, which prohibit
9 attempt and conspiracy of sabotage offenses, respectively, be repealed as unnecessary
10 as the common law offenses of attempt and conspiracy to commit an offense provide
11 penalties consistent with the commission of the offense.

12 The Committee recommends that the following provisions of Article 27 be
13 transferred as follows: (1) Article 27, § 541 to Article 27, § 577, by expanding the law
14 of trespass to public property; (2) Article 27, § 542 to § 2-210 of the Criminal
15 Procedure Article, as a condition of warrantless arrest; and (3) Article 27, § 543 and §
16 544 to § 8-627 of the Transportation Article, as they relate to the restricted use of
17 highways.

18 **SABOTAGE AND RELATED CRIMES**

19 535.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "DEFENSE-RELATED ACTIVITY" MEANS:

23 (1) THE PREPARATION OF THE UNITED STATES OR A STATE FOR
24 DEFENSE OR WAR; OR

25 (2) THE PROSECUTION OF WAR BY THE UNITED STATES OR A COUNTRY
26 WITH WHICH THE UNITED STATES MAINTAINS FRIENDLY RELATIONS.

27 (C) "IDENTIFICATION BADGE" MEANS A BADGE THAT A PERSON WEARS TO
28 SHOW THE PERSON'S IDENTITY OR RIGHT TO BE IN OR ON ANY PREMISES DESCRIBED
29 IN § 538 OF THIS SUBHEADING.

30 (D) "IDENTIFICATION CARD" MEANS A CARD OR PASS ISSUED FOR THE
31 PURPOSE OF ESTABLISHING THE IDENTITY AND THE RIGHT OF THE PERSON TO BE IN
32 OR ON ANY PREMISES DESCRIBED IN § 538 OF THIS SUBHEADING.

33 (E) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPAL CORPORATION,
34 SPECIAL TAXING DISTRICT, OR PUBLIC CORPORATION OF THE STATE.

1 536.

2 (A) A PERSON MAY NOT DESTROY, IMPAIR, DAMAGE, OR INTERFERE OR
3 TAMPER WITH REAL OR PERSONAL PROPERTY WITH INTENT TO HINDER, DELAY, OR
4 INTERFERE WITH A DEFENSE-RELATED ACTIVITY.

5 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
6 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
7 NOT EXCEEDING \$10,000 OR BOTH.

8 537.

9 (A) A PERSON MAY NOT INTENTIONALLY:

10 (1) MAKE OR CAUSE TO BE MADE OR OMIT TO NOTE ON INSPECTION A
11 DEFECT IN A PRODUCT TO BE USED IN CONNECTION WITH A DEFENSE-RELATED
12 ACTIVITY; AND

13 (2) ACT, OR FAIL TO ACT, WITH INTENT TO HINDER, DELAY, OR
14 INTERFERE WITH A DEFENSE-RELATED ACTIVITY.

15 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
16 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
17 NOT EXCEEDING \$10,000 OR BOTH.

18 538.

19 (A) THIS SECTION APPLIES TO A PERSON POSSESSING AN IDENTIFICATION
20 CARD OR IDENTIFICATION BADGE REQUIRED FOR EMPLOYMENT OR VISITATION
21 THAT IS ISSUED BY:

22 (1) A UNIT OF THE STATE OR A POLITICAL SUBDIVISION; OR

23 (2) A PERSON THAT OWNS OR OPERATES IN THE STATE A:

24 (I) FACTORY OR WAREHOUSE OR A MANUFACTURING, PRINTING,
25 PUBLISHING, MECHANICAL, OR MERCANTILE ESTABLISHMENT OR A PLANT OF ANY
26 KIND;

27 (II) MINE OR QUARRY;

28 (III) RAILWAY; OR

29 (IV) WATER, SEWAGE, GAS, ELECTRIC, TRANSMISSION, HEATING,
30 REFRIGERATING, TELEPHONE, OR OTHER PUBLICLY OWNED OR PUBLIC SERVICE
31 COMPANY.

32 (B) A PERSON SHALL SURRENDER AN IDENTIFICATION CARD OR
33 IDENTIFICATION BADGE TO ITS ISSUER WHEN THE PERSON'S EMPLOYMENT OR
34 AUTHORIZED VISIT ENDS.

1 (C) A PERSON MAY NOT KNOWINGLY POSSESS AN IDENTIFICATION CARD OR
2 IDENTIFICATION BADGE AFTER THE PERSON'S EMPLOYMENT OR AUTHORIZED VISIT
3 ENDS.

4 (D) A PERSON WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A
5 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
6 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

7 539.

8 (A) A PERSON WHO FINDS OR GAINS POSSESSION OF AN IDENTIFICATION
9 CARD OR IDENTIFICATION BADGE REQUIRED UNDER § 538 OF THIS SUBHEADING
10 SHALL SURRENDER IMMEDIATELY THE IDENTIFICATION CARD OR IDENTIFICATION
11 BADGE TO THE NEAREST POLICE STATION.

12 (B) IN ORDER TO ENTER A PLACE OR ESTABLISHMENT IN WHICH A PERSON IS
13 REQUIRED TO HAVE AN IDENTIFICATION CARD OR IDENTIFICATION BADGE UNDER §
14 538 OF THIS SUBHEADING, A PERSON MAY NOT WILLFULLY:

15 (1) MAKE UNAUTHORIZED USE OF AN IDENTIFICATION CARD OR
16 IDENTIFICATION BADGE; OR

17 (2) ASSIST ANOTHER IN THE UNAUTHORIZED USE OF AN
18 IDENTIFICATION CARD OR IDENTIFICATION BADGE.

19 (C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF
20 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
21 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

22 540.

23 THIS SUBTITLE DOES NOT IMPAIR, CURTAIL, OR DESTROY THE RIGHTS OF
24 EMPLOYEES AND THEIR REPRESENTATIVES TO:

25 (1) SELF-ORGANIZATION;

26 (2) FORM, JOIN, OR ASSIST LABOR ORGANIZATIONS;

27 (3) BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR
28 OWN CHOOSING; AND

29 (4) STRIKE, PICKET, OR ENGAGE IN CONCERTED ACTIVITIES FOR THE
30 PURPOSE OF COLLECTIVE BARGAINING OR OTHER MUTUAL AID OR PROTECTION.

31 541.

32 IF CONDUCT PROHIBITED BY THIS SUBHEADING IS ALSO UNLAWFUL UNDER
33 ANOTHER LAW, A PERSON MAY BE CONVICTED FOR THE VIOLATION OF THIS
34 SUBHEADING OR THE OTHER LAW.

1 577.

2 (a) (1) A person may not enter or trespass on any [private] property which
3 in a conspicuous manner is posted against trespassers by:

4 (i) Signs where they may reasonably be seen; or

5 (ii) Identifying paint marks that conform with regulations adopted
6 by the Department of Natural Resources and are made on trees or posts at each road
7 entrance and adjacent to public roadways, public waterways, and any other land
8 adjoining the property.

9 (2) (i) A person may not remain on, enter on, or cross over the land,
10 premises, or private property, including boarding any boat or other marine vessel of
11 another, after having been duly notified by the owner or the owner's agent not to do
12 so.

13 (ii) [The provisions of subparagraph (i) of this paragraph shall
14 apply to property used as a housing project and operated by a housing authority or by
15 another State public body, as those terms are defined under Article 44A of the Code,
16 if a duly authorized agent of the housing authority or other State public body gives
17 the required notification specified in subparagraph (i) of this paragraph.

18 (iii) It is intended that this paragraph is only to prohibit any wanton
19 entry and may not be construed to apply to the entry on or crossing over any land
20 when the entry or crossing is done under a bona fide claim of right or ownership.

21 (3) Except when traveling on clearly designated private driveways, a
22 person may not operate or use an off-road vehicle on private property unless the
23 person has in the person's possession the written permission of the owner or tenant of
24 the property.

25 (4) (i) In this paragraph, "political subdivision" includes:

- 26 1. A county;
- 27 2. A municipal corporation;
- 28 3. A bicounty or multicounty agency;
- 29 4. A county board of education;
- 30 5. A public authority; or
- 31 6. A special taxing district.

32 (ii) Except as permitted by law, a person may not operate or use an
33 off-road vehicle on property owned or leased by the State or any political subdivision
34 with knowledge that the property is owned or leased by the State or any political
35 subdivision.

1 (5) (i) Unless a person has permission from the owner or agent of the
2 owner, a person may not enter on the cultivated land of another.

3 (ii) It is intended that this paragraph is only to prohibit wanton
4 entry on cultivated land, and may not be construed to:

5 1. Prevent persons who reside on cultivated land from
6 receiving any person who seeks to provide a lawful service; or

7 2. Apply to persons entering cultivated land under color of
8 law or color of title.

9 (6) A person may not enter or remain in the stable area of a racetrack
10 after having been duly notified by a racetrack official, security guard, or law
11 enforcement officer that the person is not allowed in that area.

12 (7) A person may not enter on the land or premises of another for the
13 purpose of invading the privacy of the occupants of any building or enclosure located
14 on the land or premises, by looking into any window, door, or other aperture of the
15 building or enclosure.

16 (b) A person who violates any provision of this section is guilty of a
17 misdemeanor and on conviction is subject to a fine of not more than \$500 or
18 imprisonment for not more than 90 days or both.

19 **Article - Criminal Procedure**

20 2-210.

21 (A) IF A PERSON EMPLOYED AS A WATCHMAN OR GUARD BELIEVES THAT A
22 PERSON IS TRESPASSING ON POSTED PROPERTY THAT IS USED FOR A
23 DEFENSE-RELATED ACTIVITY AS DEFINED IN ARTICLE 27, § 535 OF THE CODE, THE
24 EMPLOYEE MAY DETAIN THE PERSON AND NOTIFY A LAW ENFORCEMENT OFFICER.

25 (B) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE
26 THAT A PERSON HAS TRESPASSED ON POSTED PROPERTY THAT IS USED FOR A
27 DEFENSE-RELATED ACTIVITY AS DEFINED IN ARTICLE 27, § 535 OF THE CODE, THE
28 LAW ENFORCEMENT OFFICER MAY ARREST THE PERSON WITHOUT A WARRANT FOR
29 A VIOLATION OF ARTICLE 27, § 536 OR § 537 OF THE CODE.

30 **Article - Transportation**

31 8-101.

32 (a) In this title the following words have the meanings indicated.

33 (b) "Administration" means the State Highway Administration.

34 (c) "Administrator" means the State Highway Administrator.

1 (d) "Bicycle and pedestrian priority area" means a geographical area where
2 the enhancement of bicycle or pedestrian traffic is a priority.

3 (e) "Commission" means the State Roads Commission.

4 (f) "Controlled access highway" means a major highway with the same
5 characteristics as an expressway, except that the conflict of cross streams of traffic is
6 not eliminated necessarily at each intersection by grade separation structures.

7 (g) "County road" means any public highway:

8 (1) The title to which or the easement for the use of which, is vested in a
9 public body or governmental agency; and

10 (2) That is not a State highway or located in Baltimore City.

11 (h) "Expressway" means a major highway of two or more traffic lanes in each
12 direction that is designed to eliminate principal traffic hazards and has the following
13 characteristics:

14 (1) A median divider separating opposing traffic lanes to eliminate
15 head-on collisions and sideswiping;

16 (2) Grade separation structures to eliminate the conflict of cross streams
17 of traffic at each intersection;

18 (3) Points of entrance and exit limited to predetermined locations;

19 (4) Vertical curves long enough to provide long sight distances; and

20 (5) Shoulders wide enough to permit vehicles to stop or park out of traffic
21 lanes.

22 (i) "Highway" includes:

23 (1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders,
24 median dividers, drainage facilities and structures, related stormwater management
25 facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway
26 grade separation structures, railroad grade separations, tunnels, overpasses,
27 underpasses, interchanges, entrance plazas, approaches, and other structures
28 forming an integral part of a street, road, or highway, including bicycle and walking
29 paths; and

30 (2) Any other property acquired for the construction, operation, or use of
31 the highway.

32 (j) "Interstate highway" means a State highway that is part of the national
33 interstate system in this State, as designated by the Administration and approved by
34 the United States Secretary of Transportation under Title 23 of the United States
35 Code.

1 (k) (1) "Maintenance" means the upkeep and repair by which a highway,
2 building, equipment, and other property is kept in an ordinarily efficient operating
3 condition.

4 (2) "Maintenance" does not include construction, reconstruction, or
5 relocation.

6 (l) "Primary highway" means a State highway that has been designated a
7 primary highway by the Administration with the approval of the Secretary.

8 (m) "Project" means the construction, reconstruction, or relocation of one or
9 more sections or parts of the State highway system.

10 (n) (1) "Railroad grade separation" means any overpass or underpass that
11 eliminates a railroad grade crossing.

12 (2) "Railroad grade separation" includes:

13 (i) The overpass and underpass structure and the approaches to
14 them;

15 (ii) Any related entrance plazas, interchanges, connecting
16 highways, and other structures; and

17 (iii) Any other property acquired for the construction, operation, or
18 use of the railroad grade separation.

19 (o) "Road" means a highway.

20 (p) "Secondary highway" means a State highway that is neither a primary
21 highway nor interstate highway.

22 (q) "State highway" means any public highway owned by this State.

23 (r) "State highway system" means the system of State-owned primary and
24 secondary highways throughout this State.

25 (s) "Street" means a highway.

26 8-627.

27 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (1) "DEFENSE-RELATED ACTIVITY" MEANS:

30 (I) THE PREPARATION OF THE UNITED STATES OR A STATE FOR
31 DEFENSE OR WAR; OR

32 (II) THE PROSECUTION OF WAR BY THE UNITED STATES OR A
33 COUNTRY WITH WHICH THE UNITED STATES MAINTAINS FRIENDLY RELATIONS.

1 (2) "HIGHWAY AUTHORITY" MEANS A GOVERNING BODY OR INDIVIDUAL
2 WITH THE AUTHORITY UNDER LAW TO RESTRICT OR CLOSE A HIGHWAY TO THE
3 PUBLIC.

4 (3) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPAL
5 CORPORATION, SPECIAL TAXING DISTRICT, OR PUBLIC CORPORATION OF THE STATE.

6 (4) "PUBLIC UTILITY" INCLUDES A PIPELINE, GAS, ELECTRIC, HEAT,
7 WATER, OIL, SEWER, COMMUNICATION, RADIO, TRANSPORTATION, RAILROAD,
8 AIRPLANE, OR OTHER SYSTEM OWNED OR OPERATED FOR PUBLIC USE.

9 (B) THIS SECTION APPLIES TO PROPERTY OWNED BY A PERSON, THE STATE,
10 OR POLITICAL SUBDIVISION:

11 (1) ENGAGED IN, OR PREPARING TO ENGAGE IN, THE MANUFACTURE,
12 TRANSPORTATION, OR STORAGE OF A PRODUCT TO BE USED IN A DEFENSE-RELATED
13 ACTIVITY;

14 (2) ENGAGED IN, OR PREPARING TO ENGAGE IN, THE MANUFACTURE,
15 TRANSPORTATION, DISTRIBUTION, OR STORAGE OF GAS, OIL, COAL, ELECTRICITY, OR
16 WATER; OR

17 (3) OPERATING A PUBLIC UTILITY.

18 (C) AN OWNER OF PROPERTY DESCRIBED IN SUBSECTION (A) OF THIS
19 SECTION, WHO BELIEVES THAT THE PROPERTY WILL BE ENDANGERED IF PUBLIC
20 USE AND TRAVEL IS NOT RESTRICTED OR PROHIBITED ON A HIGHWAY ABUTTING
21 THE PROPERTY, MAY PETITION THE HIGHWAY AUTHORITY OF THE STATE OR A
22 POLITICAL SUBDIVISION, AS APPROPRIATE, TO CLOSE OR RESTRICT PUBLIC USE OF
23 AND TRAVEL ON THE HIGHWAY.

24 (D) ON RECEIVING THE PETITION, THE HIGHWAY AUTHORITY SHALL:

25 (1) SET A HEARING DATE; AND

26 (2) PROVIDE NOTICE OF THE HEARING AT LEAST 7 DAYS BEFORE THE
27 HEARING BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
28 POLITICAL SUBDIVISION WHERE THE PROPERTY IS LOCATED.

29 (E) (1) AFTER THE HEARING, THE HIGHWAY AUTHORITY MAY BY ORDER
30 CLOSE OR REASONABLY RESTRICT THE USE OF A PUBLIC HIGHWAY IF THE HIGHWAY
31 AUTHORITY DETERMINES THAT THE PUBLIC SAFETY AND THE SAFETY OF THE
32 PROPERTY REQUIRE THE CLOSURE OR RESTRICTION.

33 (2) THE HIGHWAY AUTHORITY SHALL CONSPICUOUSLY POST A NOTICE
34 IN LETTERS AT LEAST 3 INCHES HIGH AT EACH END OF A HIGHWAY THAT THE
35 HIGHWAY AUTHORITY CLOSES OR RESTRICTS.

1 (F) THE HIGHWAY AUTHORITY MAY ISSUE A WRITTEN PERMIT TO PERSONS
2 TO TRAVEL ON A CLOSED OR RESTRICTED HIGHWAY UNDER CONDITIONS THAT THE
3 HIGHWAY AUTHORITY ESTABLISHES.

4 (G) THE HIGHWAY AUTHORITY MAY REVOKE OR MODIFY AN ORDER ISSUED
5 UNDER THIS SECTION.

6 (H) A PERSON WHO VIOLATES AN ORDER ISSUED UNDER THIS SECTION IS
7 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
8 NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes
10 contained in this Act are not law.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001.